

Application Serial No. 10/581,951
Reply to Office Action of February 12, 2008

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APR 30 2008
PATENT
Docket: CU-4849

REMARKS

In the Office Action, dated February 12, 2008, the Examiner states that Claims 1-3 are pending and Claims 1-3 are rejected. By the present Amendment, Applicant amends the claims.

In the Office Action, Claim 3 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Also, Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the claim is dependant on itself and for the language "heating means." The Applicant has amended Claim 3 to overcome the present rejections to the claim. Specifically, Claim 3 has been amended to depend from Claim 2, and the means plus function language has been modified to "means for heating." Furthermore, the Applicant points out that on page 4, lines 13-17 and in the drawings various possibilities for heating the extraction tube are specified. Therefore, the Applicant believes that with the amendment to Claim 3 and the support provided in the specification, one skilled in the art would understand what is considered to be an appropriate heater. Therefore, the Applicant respectfully requests that the rejections to Claim 3 be deemed overcome.

In the Office Action, Claims 1 and 2 are rejected under 35. U.S.C. § 102(b) as being anticipated by Villettaz (U.S. 6,397,658). The Applicant respectfully disagrees with and transverses the anticipation rejection to the claims.

Villettaz discloses a method and equipment for measuring volatile substances in a headspace. By means of a solid phase micro extraction (SPME) the volatiles are collected by adsorption in the headspace for subsequent desorption and detection. Column 3, lines 9-16 of Villettaz states "the volatile substances, released in the head space system, will be collected on adsorbent surfaces." However, unlike the present invention there is no description of a sample being flushed through a stationary phase.

Furthermore, the collection system disclosed in Villettaz resembles a syringe, but it does not have a hollow needle and no stationary phase located above the needle as is claimed in the present application. The element 2a of Villettaz is not a needle; rather, it is a SPME fiber which prior to perforating a septum is retracted in a rigid guide and after perforation is advanced out of the guide to become exposed to the headspace. The collection system in Villettaz does not disclose sucking a

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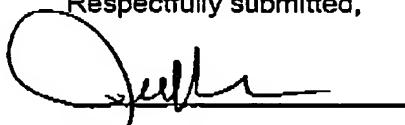
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sample through a hollow needle and a solid phase into a syringe, as is claimed in the present application. Furthermore, Villettaz does not have all the necessary elements for such action to exist. Therefore, because the present invention is distinguishable from Villettaz, the Applicant respectfully requests the anticipation rejections be withdrawn.

By the present amendment, the Applicant also makes minor changes to the claims.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



April 30, 2008

Date

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